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16 April 1984

MEMORANDUM FOR: See Distribution

FROM: Chief, Legislation Division
Office of Legislative LiaisonSUBJECT: Fiscal Year 1985 Intelligence
Authorization Bill

1. Attached for your review is H.R. 5399, the Intelligence Authorization Act for Fiscal Year 1985, which was approved and ordered reported by the House Permanent Select Committee on Intelligence on Wednesday, 11 April. This same bill was scheduled for full Committee mark-up before the Senate Select Committee on Intelligence (SSCI) last Tuesday, 10 April, but the SSCI's discussion of our Central America activities preempted their consideration of the bill. The SSCI will reschedule full Committee mark-up of the bill for sometime after the Easter recess.

2. Other than the normal personnel ceiling and appropriation provisions, the attached bill has two substantive provisions which are of particular interest to the Agency.

In addition, Section 401 provides the Agency with authority to perform security functions similar to those currently performed by GSA special policemen at Agency facilities. Unlike our originally drafted provision which allowed the Agency to exercise those security-related authorities which were delegated to the Agency by GSA, this provision directly provides the Agency with these authorities independent of an actual GSA delegation of these powers to the Agency.

Attachment

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98TH CONGRESS
2D SESSION

H. R. 5399

To authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1984

Mr. BOLAND introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Authoriza-
4 tion Act for Fiscal Year 1985".

1 **TITLE I—INTELLIGENCE ACTIVITIES**

2 **AUTHORIZATION OF APPROPRIATIONS**

3 **SEC. 101.** Funds are hereby authorized to be appropri-
4 ated for fiscal year 1985 for the conduct of the intelligence
5 and intelligence-related activities of the following elements of
6 the United States Government:

7 (1) The Central Intelligence Agency.

8 (2) The Department of Defense.

9 (3) The Defense Intelligence Agency.

10 (4) The National Security Agency.

11 (5) The Department of the Army, the Department
12 of the Navy, and the Department of the Air Force.

13 (6) The Department of State.

14 (7) The Department of the Treasury.

15 (8) The Department of Energy.

16 (9) The Federal Bureau of Investigation.

17 (10) The Drug Enforcement Administration.

18 **CLASSIFIED SCHEDULE FOR AUTHORIZATIONS**

19 **SEC. 102.** The amounts authorized to be appropriated
20 under section 101, and the authorized personnel ceilings as of
21 September 30, 1985, for the conduct of the intelligence and
22 intelligence-related activities of the elements listed in such
23 section, are those specified in the classified Schedule of Au-
24 thorizations prepared by the Permanent Select Committee on
25 Intelligence to accompany H.R. 5399 of the Ninety-eighth

1 Congress. That Schedule of Authorizations shall be made
2 available to the Committees on Appropriations of the Senate
3 and House of Representatives and to the President. The
4 President shall provide for suitable distribution of the sched-
5 ule, or of appropriate portions of the schedule, within the
6 executive branch.

7 CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN
8 EXCESS OF PROGRAM AUTHORIZATIONS

9 SEC. 103. During fiscal year 1985, funds may not be
10 made available for any intelligence or intelligence-related ac-
11 tivity unless such funds have been specifically authorized for
12 such activity or, in the case of funds appropriated for a differ-
13 ent activity, unless the Director of Central Intelligence or the
14 Secretary of Defense has notified the appropriate committees
15 of Congress of the intent to make such funds available for
16 such activity, except that, in no case may reprogramming or
17 transfer authority be used by the Director of Central Intelli-
18 gence or the Secretary of Defense unless for higher priority
19 intelligence or intelligence-related activities, based on unfore-
20 seen requirements, than those for which funds were originally
21 authorized, and in no case where the intelligence or intelli-
22 gence-related activity for which funds were requested has
23 been denied by Congress.

1 AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND
2 CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE
3 CENTRAL INTELLIGENCE AGENCY HEADQUARTERS
4 COMPOUND

5 SEC. 104. Of the amounts authorized to be appropriated
6 under section 101(1), there is authorized to be appropriated
7 for fiscal year 1985 the sum of \$114,500,000 for the design
8 and construction of a new building at the Central Intelligence
9 Agency headquarters compound.

10 AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTER-
11 RORISM ACTIVITIES OF THE FEDERAL BUREAU OF
12 INVESTIGATION

13 SEC. 105. In addition to the amounts authorized to be
14 appropriated under section 101(9), there is authorized to be
15 appropriated for fiscal year 1985 the sum of \$14,500,000 for
16 the conduct of the activities of the Federal Bureau of Investi-
17 gation to counter terrorism in the United States.

18 PERSONNEL CEILING ADJUSTMENTS

19 SEC. 106. The Director of Central Intelligence may au-
20 thorize employment of civilian personnel in excess of the
21 numbers authorized for the fiscal year 1985 under sections
22 102 and 202 of this Act when he determines that such action
23 is necessary to the performance of important intelligence
24 functions, except that such number may not, for any element
25 of the Intelligence Community, exceed 2 per centum of the

1 number of civilian personnel authorized under such sections
2 for such element. The Director of Central Intelligence shall
3 promptly notify the Permanent Select Committee on Intelli-
4 gence of the House of Representatives and the Select Com-
5 mittee on Intelligence of the Senate whenever he exercises
6 the authority granted by this section.

7 PROHIBITION ON COVERT ASSISTANCE FOR MILITARY
8 OPERATIONS IN NICARAGUA

9 SEC. 107. During fiscal year 1985, no funds available to
10 the Central Intelligence Agency, the Department of Defense,
11 or any other agency or entity of the United States involved in
12 intelligence activities may be obligated or expended for the
13 purpose or which would have the effect of supporting, di-
14 rectly or indirectly, military or paramilitary operations in
15 Nicaragua by any nation, group, organization, movement, or
16 individual.

17 TITLE II—INTELLIGENCE COMMUNITY STAFF
18 AUTHORIZATION OF APPROPRIATIONS

19 SEC. 201. There is authorized to be appropriated for the
20 Intelligence Community Staff for fiscal year 1985 the sum of
21 \$20,300,000.

22 AUTHORIZATION OF PERSONNEL END STRENGTH

23 SEC. 202. (a) The Intelligence Community Staff is au-
24 thorized two hundred and thirty-two full-time personnel as of
25 September 30, 1985. Such personnel of the Intelligence

1 Community Staff may be permanent employees of the Intelli-
2 gence Community Staff or personnel detailed from other ele-
3 ments of the United States Government.

4 (b) During fiscal year 1985, personnel of the Intelli-
5 gence Community Staff shall be selected so as to provide
6 appropriate representation from elements of the United
7 States Government engaged in intelligence and intelligence-
8 related activities.

9 (c) During fiscal year 1985, any officer or employee of
10 the United States or a member of the Armed Forces who is
11 detailed to the Intelligence Community Staff from another
12 element of the United States Government shall be detailed on
13 a reimbursable basis, except that any such officer, employee,
14 or member may be detailed on a nonreimbursable basis for a
15 period of less than one year for the performance of temporary
16 functions as required by the Director of Central Intelligence.

17 INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN

18 SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

19 SEC. 203. During fiscal year 1985, activities and per-
20 sonnel of the Intelligence Community Staff shall be subject to
21 the provisions of the National Security Act of 1947 (50
22 U.S.C. 401 et seq.) and the Central Intelligence Agency Act
23 of 1949 (50 U.S.C. 403a-403n) in the same manner as activ-
24 ities and personnel of the Central Intelligence Agency.

1 **TITLE III—CENTRAL INTELLIGENCE AGENCY**
2 **RETIREMENT AND DISABILITY SYSTEM**

3 **AUTHORIZATION OF APPROPRIATIONS**

4 **SEC. 301.** There is authorized to be appropriated for the
5 Central Intelligence Agency Retirement and Disability Fund
6 for fiscal year 1985 the sum of \$99,300,000.

7 **TITLE IV—ADMINISTRATIVE PROVISION RELAT-**
8 **ING TO THE CENTRAL INTELLIGENCE**
9 **AGENCY**

10 **PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY**
11 **FACILITIES**

12 **SEC. 401.** The Central Intelligence Agency Act of 1949
13 (50 U.S.C. 403a et seq.) is amended by adding at the end
14 thereof the following new section:

15 **“SECURITY PERSONNEL AT AGENCY INSTALLATIONS**

16 **“SEC. 15. (a)** The Director may authorize Agency per-
17 sonnel within the United States to perform the same func-
18 tions as special policemen of the General Services Adminis-
19 tration perform under the first section of the Act entitled ‘An
20 Act to authorize the Federal Works Administrator or officials
21 of the Federal Works Agency duly authorized by him to ap-
22 point special policemen for duty upon Federal property under
23 the jurisdiction of the Federal Works Agency, and for other
24 purposes’ (40 U.S.C. 318), with the powers set forth in that
25 section, except that such personnel shall perform such func-

1 tions and exercise such powers only within Agency in-
2 stallations and the rules and regulations enforced by such
3 personnel shall be rules and regulations promulgated by the
4 Director.

5 “(b) Agency personnel designated by the Director under
6 subsection (a) of this section shall be clearly identifiable as
7 United States Government security personnel while engaged
8 in the performance of the functions to which subsection (a) of
9 this section refers.”.

10 **TITLE V—GENERAL PROVISIONS**

11 **RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES**

12 **SEC. 501.** The authorization of appropriations by this
13 Act shall not be deemed to constitute authority for the con-
14 duct of any intelligence activity which is not otherwise au-
15 thorized by the Constitution or laws of the United States.

16 **INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW**

17 **SEC. 502.** Appropriations authorized by this Act for
18 salary, pay, retirement, and other benefits for Federal em-
19 ployees may be increased by such additional or supplemental
20 amounts as may be necessary for increases in such benefits
21 authorized by law.

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